UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,068	09/27/2001	Ann Rhee	266/202	7381

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BINGHAM, MCCUTCHEN LLP
THREE EMBARCADERO CENTER
18 FLOOR
SAN FRANCISCO, CA 94111-4067

EXAMINER
WU, QING YUAN

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/967,068	RHEE ET AL.
	Examiner	**Art Unit**	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2005</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11-17,19-25,27 and 29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-9, 11-17 and 19-25, 27 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3-9, 11-17, 19-25, 27 and 29 are pending in the application.

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 1, 4, 9, 12, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over DeKoning (U.S. Patent 6,085,333), in view of Wiederhold (U.S. Patent 6,226,745)

5.   DeKoning was cited in the last office action.

6.   As to claims 1 and 9, DeKoning teaches quiescing resource consumer activity in a

computer system [DeKoning, col. 8, line 12], comprising:

        preventing a first resource consumer from starting new activity on the computer system

[DeKoning, col. 8, lines 12-13; col. 10, lines 7-8]; and

        allowing a second resource consumer to continue already-running activity on the

computer system [DeKoning, col. 8, line 13-14; col. 10, lines 8-9].

7.   DeKoning does not specifically teach wherein the act of preventing the first resource

consumer from starting new activity comprises setting an activity limit applicable to the first

resource consumer to a prescribed value, the activity limit comprising an active session limit that

represents a limit on a number of active session. However, Wiederhold teaches limiting the

number of queries any particular user can pose that access any single record in a database, and

limited to accessing any particular data record twice during any 30 day period [Wiederhold,

abstract; col. 6, lines 26-28; col. 9, lines 27-47; col. 11, table 1, rules 12 and 21] (Examiner is

unable to find proper disclosure of "active session limit" in the parent non-provisional

application. Therefore, it is rejected based on the application filing date of 9/27/01).

8.   It would have been obvious to one of an ordinary skill in the art at the time the invention

was made, to have combined the teaching of DeKoning with the teaching of Wiederhold,

because the teaching of Wiederhold further enhance the teaching of DeKoning by preventing the

exhaustion of available resources by setting a limit for each consumer.

9.   As to claims 25 and 27, DeKoning and Wiederhold do not specifically teach wherein the

prescribed value is zero. However, DeKoning disclosed preventing new host I/O request to the

controller [DeKoning, col. 8, line 12] and Wiederhold disclosed an administrator specifies a user

resource limit to an absolute value [Wiederhold, col. 9, lines 39-40].

10.   It would have been obvious to one of an ordinary skill in the art at the time the invention

was made, to have recognized that the absolute value associated with any user's resource limit is

configurable by the system to start or stop user's activity.

11.   As to claims 4 and 12, DeKoning and Wiederhold do not specifically teach wherein the

prevented activity is queued. However, it is well known in the art to queue un-serviced requests.

12.   Claims 17, 20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

DeKoning and Wiederhold as applied to claims 1 and 25 above, in view of Jones et al (hereafter

Jones) (U.S. Patent 6,003,061).

13.   Jones was cited in the last office action.

14.   As to claim 17, this claim is rejected for the same reason as claim 1 above. In addition,

DeKoning and Wiederhold do not specifically teach a resource plan, the resource plan

identifying a first resource consumer and a second resource consumer, among which a computer

system resource is to be allocated and specifying an allocation of the resource among the first

resource consumer and the second resource consumer, and a scheduler for allocating the resource

among the first resource consumer and the second resource consumer according to the resource

plan.

15.   However, Jones teaches a resource plan [Jones, col. 5, lines 38-52], the resource plan

identifying a first resource consumer and a second resource consumer, among which a computer

system resource is to be allocated and specifying an allocation of the resource among the first

resource consumer and the second resource consumer [Jones, col. 5, line 66-col. 6, line 40], and

a scheduler for allocating the resource among the first resource consumer and the second

resource consumer according to the resource plan [Jones, col. 6, lines 8-17].

16.   It would have been obvious to one of an ordinary skill in the art at the time the invention

was made, to have combined the teaching of DeKoning and Wiederhold with the teaching of

Jones, because the teaching of Jones enhances the teaching of DeKoning and Wiederhold by

providing a resource managing or planning functionality for allocating limited resources to

requesting clients.

17.   As to claim 20, this claim is rejected for the same reason as claim 4 above.

18.   As to claim 29, this claim is rejected for the same reason as claim 25 above.

19.   Claims 3, 5-8, 11, 13-16, 19 and 21-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over DeKoning, Wiederhold and Jones as applied to claim 17 above, and further in

view of Fong et al (hereafter Fong) (U.S. Patent 6,263,359).

20.   Fong was cited in the last office action.

21.   As to claim 19, DeKoning, Wiederhold and Jones teach a resource planner applying a

policy to a request that grants access to a resource to an activity while denying others [Jones, col.

5, lines 53-65]. DeKoning, Wiederhold and Jones do not specifically teach a first group of

resource consumers, a second group of resource consumers. However, Fong teaches requesters

requesting resources are grouped in classes [Fong, abstract, lines 1-6; col. 2, lines 1-5; col. 14,

lines 29-33; Fig. 1].

22.   It would have been obvious to one of an ordinary skill in the art at the time the invention

was made to have applied the teaching of Fong to the invention of DeKoning, Wiederhold and

Jones because the teaching of Fong would further enhance the functionality of DeKoning,

Wiederhold and Jones by serving consumer requests based on priority.

23.   As to claims 8 and 16, these claims are rejected for the same reason as claim 19 above.

In addition, DeKoning, Wiederhold, Jones and Fong teach the invention substantially as claimed

including the computer system operating according to a first resource plan [DeKoning, abstract,

lines 3-8; Jones, col. 5, lines 38-52], comprising:

replacing the first resource plan with a second resource plan [DeKoning, abstract, lines 3-

8].

24.   As to claims 3 and 11, these claims are rejected for the same reason as claim 19 above.

25.   As to claims 5 and 13, these claims are rejected for the same reason as claims 1, 3 and 25

above. In addition, DeKoning, Wiederhold, Jones and Fong teach the invention substantially as

claimed including the first resource consumer group comprising one or more resource consumers

[Fong, col. 4, lines 12-25].

26.   As to claims 6 and 14, these claims are rejected for the same reason as claims 1, 3 and 25

above.

27.   As to claims 7 and 15, these claims are rejected for the same reason as claim 4 above.

28.   As to claim 21, this claim is rejected for the same reason as claims 5 and 17 above.

29.   As to claim 22, this claim is rejected for the same reason as claim 6 above.

30.   As to claim 23, this claim is rejected for the same reason as claim 7 above.

31.   As to claim 24, this claim is rejected for the same reason as claims 3, 8 and 21 above.

32.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Patent No. 3,865,999 to Spitaels teaches preventing new activities from starting, and

allowing already-running activity to continue.

Response to Arguments

33.   Applicant's arguments filed 12/8/05 have been fully considered but they are not

persuasive.

34.   In the remarks, Applicant argued in substance that:

a.   References do not disclose or suggest an activity session limit that represents a

limit on a number of active session.

35.   Examiner respectfully traversed Applicant's remarks:

36.   As to point (a), this argument is moot in view of the new ground of rejection.

37.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The

examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER